

AN

HISTORICAL REVIEW

OF THE

PROCEEDINGS

IN THE

CASE OF BISHOP DOANE.

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REVIEW OF THE CASE OF BISHOP DOANE.

IN 1837, Bishop Doane opened, at Burlington, New Jersey, "St. Mary's Hall, for female education, on Church principles." * This establishment required funds far beyond any possessed by the Bishop himself; and he was, as he says, disappointed in receiving from others the aid he had expected. But "the undersigned had faith in God, and merging in the work his whole resources, and *his credit*, he went on."

Certainly "faith in God" may often be a good reason for spending our own money; but how far it will justify us in spending other people's money, without having the means of repaying it, is not a question of difficult solution. In 1845, as far as we can gather from his statement, the enterprising Bishop established a college, which, in two years, "enrolled 127 students." Never before was a college established by such invisible means. Hear its founder: "There was no endowment. There was no moneyed patronage. Every thing was to be done, and nothing to do it with. Every thing was done, and DONE WITH NOTHING. For what was a subscription of \$8,000 towards the ground, the buildings, the fixtures, the furniture, the apparatus, the entire provision—religious, scholastic, and domestic—for one hundred and twenty-seven children, and the whole staff of teachers?" This wonderful feat of doing every thing with nothing, which, at first, seems to rival the exploits of modern spirits, turns out, in the sequel, to have been a very simple and by no means an unexampled affair—it was simply doing every thing with *borrowed and unpaid money*. The Bishop's credit failed at last; and when he could no longer borrow, he broke. On the 26th March, 1849, he conveyed to certain assignees ALL his estate, real and personal, in trust for the benefit of his creditors; accompanying the deed of assignment was an inventory of the estate conveyed, together with a list of his creditors, and the sums due them. To the inventory is attached the Bishop's oath, that "the above is a true and perfect inventory of all his real and personal property, together with the value thereof as near as he can ascertain." To the list of his creditors is attached his oath, that "the above is a true, full, and perfect list of his creditors, with

* For this and other statements and quotations immediately following, see the Bishop's pamphlet, "Protest, Appeal, and Reply."

the amounts severally due to them, as far as he hath been able to ascertain, according to the best of his knowledge." *

It appears that the debts for which he has given mortgages amount to \$105,443; and he values the mortgaged premises, exclusive of the encumbrances, at \$674—a little more than one month's interest. As these debts are set down, in round numbers, \$8,000, \$10,000, \$50,000, &c., and no mention is made of interest, the presumption is that there were large arrearages of interest, and that the lands were mortgaged beyond their value.

The debts not secured by mortgage amount to \$155,593.67. The personal estate left to meet this indebtedness is valued by the Bishop at \$17,418.50! Thus we find that the total acknowledged debt of the Bishop of New Jersey is \$261,036

To this we must add debts specified by Messrs. Halsted, and others, in their pamphlet, entitled "A Few Words in Answer," and omitted by the Bishop 25,496

\$286,532

It is not improbable that the interest due on this amount would carry up the whole indebtedness to \$300,000

Certainly the Bishop's failure was of very respectable magnitude, and we cannot but be struck with wonder, both at the audacity of the clergyman who made such magnificent promises to pay, and at the credulity of those who suffered by them.

As a matter of course, such a failure gave rise to various reports not flattering to the Bishop's integrity. By some management, not clearly explained, the Female Seminary and the College passed into other hands, and were continued in full vigor.

On the 30th of May, subsequent to the bursting of the bubble, the Diocesan Convention assembled. In a report of the proceedings of this Convention, appended by the Bishop to his pamphlet, and therefore sanctioned and approved by him, we learn that Mr. Halsted, a lay member, stated, "That, inasmuch as the proposition he was about to submit nearly concerned the character of the presiding officer, he desired, in courtesy to that distinguished gentleman, to give him an opportunity of vacating the chair, by going into committee of the whole. This being quite an unusual course in the Convention, and the Bishop *indicating no wish to shrink from any duty as presiding officer*, the motion was not pressed." † This refusal of the Bishop to vacate the chair when his own conduct and character were about to become the subject of discussion, was the first in a long series of official acts, which have greatly tended to strengthen unpleasant suspicions, and to bring odium upon himself and his convention. For a Judge to decline giving judgment in a cause in which he was personally interested, has never

* These documents are published in full by Rev. Mr. Starr, in his pamphlet, entitled, "A Word of Self-defence."

† "Protest, Appeal, and Reply," p. 49.

been regarded as shrinking from duty, nor has it ever been supposed that for a presiding officer of a deliberative assembly, to insist on retaining the chair, and so far as his influence could extend, to repress control, or direct official investigations into his own conduct, was consistent with the dictates of either duty or decorum. Mr. Halsted was thus compelled to offer to the Bishop himself the following:—"Whereas a Bishop should be blameless, and should have a good report of those that are without, lest he fall into reproach; and whereas public rumor, as well as newspaper publications, have made serious charges against our Bishop, impeaching his moral character, tending to impair his usefulness, and to bring the Church of which he is Bishop into disrepute; therefore,—

"Resolved, That a Committee be appointed, consisting of three clergymen and three laymen, who, or a majority of them, shall make such inquiries as shall satisfy them of the innocency of the accused, or of the sufficiency of ground for presentment and trial; that they do make report to this Convention at its present session, or at such other time as this Convention shall designate."

The report informs us that "an earnest debate ensued," of course in the presence of the Bishop, each speaker addressing him in person! Mr. A. Gifford and Judge Ogden showed "that the Convention could not *lawfully* pass the resolution presented to them; that it was *wholly uncanonical and unconstitutional*." All who opposed the resolution "unreservedly declared, that if *charges*, specifying with reasonable precision, the offences imputed by rumor, or any offence cognizable by the Convention should be presented, they would oppose no obstacle to the receiving, referring, and investigation of such charges; but that, in no other way, could the Convention lawfully reach or touch the subject." "The Rev. Dr. Ogilby presented with great force his views of the *INIQUITY* of the proposed proceeding." On the conclusion of the debate, the Bishop told the Convention, that he refrained from expressing his opinion, and that, in so doing, "I waive the claims and the obligations of duty; I almost disregard my solemn consecration vows." Thus, while professing to be silent, claiming the right to oppose an investigation into his conduct, and making a virtual and solemn protest against the proposed inquiry. Now, let it be observed, that the reasons urged against the resolution were not founded on any belief in the innocence of the Bishop, but on the *want of constitutional power in the Convention* to institute the proposed inquiry. The rejection of the resolution was therefore no more an acquittal, by the Convention, of their Bishop from the charges imputed to him by rumor, than their rejection of a motion to indict a nuisance would be equivalent to a declaration, that, in their opinion, no such nuisance existed. We shall see, in the sequel, that this remark is by no means superfluous.

It is not surprising, that a resolution thus denounced as *unlawful, uncanonical, unconstitutional, and iniquitous*, should have been unanimously rejected, even those who favored it remaining silent. It was undoubtedly the duty of the Convention to refuse an inquiry which they believed unlawful and iniquitous, although each member had been fully convinced, that the Bishop was a proper subject for Ecclesiastical dis-

cussion: but we utterly dissent from the logic employed. The ground assumed was, that no inquiry could be instituted unless founded on specific charges presented to the Convention. *Inquiry* seems to have been mistaken for trial. Specific charges must precede a trial; but inquiry must *precede* specific charges. The Convention is not a court, and cannot hold a trial. By the law of the Church the Convention is an *inquest*, a body specially authorized to *inquire* into the conduct of the Bishop, and if it deems fit, to make and present to a court of Bishops specific charges against him. No person is specially appointed to present specific charges to the Convention, and no person can reasonably be expected to volunteer the performance of a task so odious, and so likely to excite the wrath and vengeance of the Bishop and his friends. So far therefore, from being *unlawful* in the Convention to inquire into the truth of rumors adverse to the character of their Bishop, *such inquiry is their special function*, to be exercised with a sound discretion. It is for the Convention to judge whether the rumor in its source and its character merits notice; and if it does, then it is not only the right but the *duty* of the Convention to inquire into its truth.

It is most suspicious and unpleasant that after such an extraordinary bankruptcy, both the Bishop and his clergy were not anxious for an inquiry; nay, that the Bishop did not *demand it*, as an act of justice to himself, and of duty to the Church. Another unpleasant circumstance is, that the report of the proceedings we have quoted, is an *ex parte* report, made by one of the Bishop's friends, and including a speech most laudatory of the Bishop; and yet this *ex parte* eulogistic report, the Bishop tells us, "has had a wide circulation in the N. Y. Courier and Enquirer, and in many other papers; as a *fly-leaf to the Journal of the Convention*, and to the Register of St. Mary's Hall and Burlington College, and as a part of a pamphlet entitled "A Brief Narrative." It was sent to all the Bishops.* Think of the official Journal of the Convention being thus made the vehicle of a private panegyric on the Bishop, and of violent denunciation of a motion to inquire into his conduct! The pretence that the Convention can only act on specific charges, virtually deprives it of the power of an inquest. A Bishop may be guilty of various crimes, and the proof of his guilt at hand; but the Convention cannot move till some accuser comes before them, and then their powers of inquiry are limited to the *particular charges* which this accuser may adduce. No rumors however rife, however all pervading they may be, however erushing in their influence on the character and usefulness of the Bishop, and the good name of the Church, can attract the notice of the Convention. On this subject that body is to be both deaf and blind, till some person shall volunteer to unstop their ears and open their eyes; and even then, they are to hear and see only just so much as this volunteer accuser may in his discretion deem expedient. Now if any thing more be needed to show the utter nonsense of the ground assumed, that it is wicked and unlawful to inquire into a rumor, it may be found in the 37th Canon of 1838, which makes it the duty of a Bishop, if a minister "*be accused by public rumor of crimes and*

* "Protest, Appeal, and Reply," p. 49.

offences," "to see that *inquiry* be instituted as to the truth of such public rumors."

It is perfectly evident, from the report of the proceedings we have mentioned, from the Episcopal imprimatur given to that report, from the conduct of the Bishop, and the language of his friends, that the rejection of Mr. Halsted's resolution, and consequent prevention of an inquiry, was deemed *a great triumph*, and that the Bishop was supposed to have gone forth from that Convention, as thoroughly whitewashed. As he has gone through a similar process many times subsequently, it may be convenient to number the several whitewashings as we proceed. The action of the Convention of 1849 is, therefore, Whitewashing No. I.

But agitation cannot easily be put down by votes. People will think and talk, and write, in spite of political and ecclesiastical leaders. In the succeeding February the Grand Jury thought proper to inquire into the Bishop's conduct, and actually found a bill against him, but afterwards reconsidered their vote, and laid the matter over as unfinished business. At the succeeding term, May 1852, the Grand Jury resumed their inquiry at Burlington. During their session, the complainant Joseph Deacon had an interview with the Bishop, and it was agreed the Bishop should execute a paper setting forth his indebtedness to the complainant. After this Mr. Deacon declared he had no wish or intention of making a complaint against the Bishop. He was sent for by the Grand Jury, and it is probable that in consequence of his declining to renew his complaint, no indictment was found.*

That the Grand Jury had been busy with the Bishop was a notorious fact, when the Convention met in May, 1850; yet that body did not deem it necessary, for the good of the Church, to make any inquiry. But still agitation was not suppressed. In September of that year appeared a pamphlet from the Rector of St. Michael's Church, Trenton, previously read to a full meeting of his churchwardens and vestrymen, and published with their *unanimous approval*. It was entitled "A Word of Self-defence." It appears that the author, the Rev. Mr. Starr, to use his own language, had "insisted that these public charges (against the Bishop) ought to be subjected to a public investigation; that the truth ought to be brought out, and that if innocent of the things imputed to him, the Bishop owes it to himself and the Church, to see that his accusers be made to answer for their libellous language before a civil tribunal. For thus much of freedom in thinking and speaking I have been violently assailed. I have in no sense been the accuser of Bishop Doane. I have only spoken as every where I have heard others speak; as the humblest member of the Church has a right to speak; and as I humbly think every minister of the Church ought to speak. For the heresy of repeating what is publicly alleged of the Bishop, not by way of judging him, but for claiming that an investigation ought to be demanded, I have been *bitterly traduced*." Of course. When the very proposal to inquire into the rumors affecting the Bishop's character was publicly denounced by a Rev. Doctor of Divinity as *iniquitous*, and this

* See affidavit of John L. N. Stratton, Esq., Journal of adjourned New Jersey Convention, July 1852, p. 124.

denunciation spread on the wings of the wind by the Bishop himself, and printed on "the fly leaf" of the Journal of the Convention, no individual had any reason to suppose that he could escape being bitterly traduced, if he admitted that the charges made against Bishop Doane merited investigation. Strange as it may seem in a *New Jersey* clergyman, Mr. Starr ventured to defend himself, by stating the charges which were in circulation against the Bishop, and the grounds on which they were founded. It seems impossible, that any intelligent Christian man, not blinded by party spirit, or swayed by interest, can read the statements made by Mr. Starr, without concurring with him in opinion, that the interests of religion and the honor and influence of the Church demand, that the truth or falsehood of these statements should be established by evidence.

As already observed, the Convention of 1850 omitted to take the slightest notice of the Bishop's conduct, although the Grand Jury were on the point of presenting him as a criminal. Mr. Starr's pamphlet, endorsed by his vestry, with its array of astounding facts, appears in no degree to have excited in the succeeding Convention of 1851, the slightest doubt of the infallibility of their Bishop. Not a syllable about inquiry escaped the lips of any of its members. It was only however by a sudden and extraordinary adjournment, that the quietude of the Convention was saved from interruption. One of the Bishop's creditors resolved on the desperate expedient of invoking the interference of the Convention! He prepared a petition to the Convention, *verified by his oath*, complaining that the Bishop had by "false representations" induced him to loan him, and to endorse for him to a large amount, of which he had been obliged to pay twenty-three thousand dollars, and requesting the Convention to do what they might deem right and proper in the premises.* It appears from a subsequent affidavit made by this same creditor (Michael Hays), that a few days before the Convention met, he told Bishop Doane, that unless he paid certain moneys according to agreement, he "would present him to the Church." He moreover swears that he gave the petition to a member of the Convention to present, and he believes that it would have been presented "had not the said Convention, contrary to all previous practice, adjourned the first day of its session."† Messrs. Halsted, Perkins, Coppuch & Gill, in their "Few Words in Answer" to Bishop Doane, assert that many are of opinion that the Convention was adjourned the first day at the Bishop's instigation, to prevent Hays' complaint coming before them. With much point they remark, "why the sudden determination to dispense with the evening service, after notice had been given in the morning that the service would be held with a sermon and collection; and why the Convention adjourned leaving the treasurer's accounts unaudited, has never yet been satisfactorily explained."

It will help to explain many things in the strange eventful history we are pursuing, if we stop here, and examine a *few uncontroverted*

* See petition in pamphlet "A Few Words in Answer," by Messrs. Halsted and others, p. 28.

† "A Few Words in Answer," p. 12.

and admitted facts, before proceeding farther in the narrative of events.

To the charge that to enable his agents to borrow money for him, he represented his indebtedness as not exceeding \$70,000, when a few months after he acknowledged his debts to exceed \$250,000, the Bishop thus replied:—"The amount of indebtedness stated above as \$70,000, was rather an estimate than a statement. The estimate of \$70,000 was obviously erroneous. It was called for unexpectedly, and had to be made up hastily. But it is utterly unfair to put it in contrast with the gross sum of \$250,000, when \$100,000 of it was represented by real estate."* He means, he owed \$100,000 on mortgage. Now the Bishop under oath estimates the value of the real estate thus encumbered, deducting the mortgages, at *four* dollars, or one dollar for each of four pieces of land. If he is to be believed, the land must be mortgaged far beyond its value, since the four dollars would go but little towards paying the interest on \$100,000. But admitting that a debt on mortgage is no debt, we have still a debt of \$150,000, when he supposed he owed only \$70,000—a mistake of only \$80,000! It is due to him to mention, that his debt was largely increased, between his estimate and his assignment; but how large it was in fact, at the time of the estimate, he does not tell us, and most probably he does not know. He himself gives us some insight into his mode of doing business. To the charge of obtaining endorsements from Michael Hays, by false pretences, he tells us, while denying the charge, "Michael Hays was *liberally paid* for every endorsement. He is said to have admitted, that he did not desire to do a better business than endorse for Bishop Doane; and that if he was never paid any more, he should lose nothing, or not much."† Now Mr. Hays, as we have seen, swears that he had been compelled to pay \$23,000 on account of these endorsements. At what a tremendous price, then, did the Bishop buy his endorsements, if his endorser, nevertheless, lost little, or not much! But on this subject we have more light from the Bishop's friends. In an *ex parte* investigation of the Bishop's affairs, to be noticed hereafter, Reuben I. Germain swore:—"When his available private income and this loan were exhausted, the Bishop was obliged to resort to banks, and others, for loans upon his own notes to carry on the Institution. The endorsements on said notes were obtained by paying *premiums* to the endorsers for the most part. When the endorsements were obtained, the notes were only partially used at the banks at the ordinary discount. On many of them money could not be obtained at the ordinary rates. On these, the Bishop was obliged to raise money from others. He was obliged sometimes to pay from one to two per cent. per month *in addition* to the regular interest, to raise money on these notes, they averaging about three months to run; thereby making this payment *four* times a year. In Michael Hays' endorsements, the notes were generally for one thousand each, and the consideration for the endorsement was generally *fifty dollars* on each note. I was intimately acquainted with the pecuniary transac-

* "Protest, Appeal, and Reply," p. 45.

† Ibid. p. 27.

tions and obligations of Bishop Doane, from 1839 up to the time of his assignment, and to the present time.”*

W. R. Allen, President of the Mechanics’ Bank, Burlington, testified: “I consider that the Bishop paid at the rate of fifty dollars per thousand for every endorsement. I have seen *hundreds* of the Bishop’s checks for \$50 each, the sum he usually paid Hays for endorsing a note of \$1,000. Some of these notes had *thirty*, some sixty, and some ninety days to run.”†

It thus appears that he paid 5 per cent. for endorsements; and admitting that the notes were renewed only four times a year, we have 20 per cent. for endorsement, in addition to 6 per cent. legal interest, together with occasional usury from one to two per cent. a month! Now hear his friendly investigating Committee:

“The business of the Bishop in the Bank of Burlington was nearly HALF A MILLION OF DOLLARS PER ANNUM. But this was occasioned by his having to *renew* his old floating indebtedness every *two* or *three* months, and making large and constant additions to it at each renewal. This is *all* the fictitious credit which the Bishop created or preserved.”‡ Certainly a very moderate amount of *fictitious* credit to be created or preserved by a Right Reverend financier!

We have already noticed a “list of creditors” sworn to by the Bishop as a “true, full, and perfect list, according to the best of his knowledge and belief;” yet debts to the amount of at least \$80,000 are omitted in this “true, full, and perfect list.” The omission was evidently owing to no fraudulent intention, for they are clumsily inserted in “An inventory of Estate,” in which, describing his real estate, he mentions the mortgages by which it is encumbered. The omission of these debts in their proper place, is only one proof among many of his utter recklessness and carelessness in money matters, and his entire disregard for accuracy.

Of this wonderful carelessness, take the following additional examples:—In the “true, full, and perfect” list of creditors, Michael Hays is set down as a creditor to the amount of \$17,500. The Bishop admits that it ought to have been upwards of \$29,000.§ In the list, Joseph Deacon is put down, “endorsements, \$23,450.” The Bishop does not deny that the true amount exceeded \$30,000; but he says: “Joseph Deacon, like Michael Hays, endorsed for the undersigned extensively, and received a consideration for it. The notes were obtained when needed, and *neither party kept any list.*|| He was indebted to the Episcopal fund \$7,476, the whole of which is omitted. Now the excuse for all this blundering is, “that it was on the 26th May, 1849, before the undersigned had *fully* left the house after his dangerous illness, that the assignment, with the inventory and list of creditors, was made,”¶ and that the list of creditors was made up for him by Mr. Aertsen. Whatever weight may be due to such an apology when made, it is not surprising that without such an apology, a document under the Episcopal oath, so grossly inaccu-

* Journal of Adjourned Convention, p. 71.

† Ibid. p. 173.

‡ Ibid. p. 28.

§ “Protest, Appeal, and Reply,” p. 32.

|| Ibid. p. 83.

¶ Ibid. p. 21.

rate, should excite injurious suspicions. Mr. Aertsen states : “ *Unhappily no regular system of book-keeping had been adopted at either Institution, (St. Mary’s Hall and Burlington College.)* so that in making the statement, recourse was obliged to be had to every quarter for information, and in almost every open account, it was furnished by the creditor himself.”* Surely no young lady of St. Mary’s Hall could have been more genteelly careless of accounts than the Bishop, nor more reckless in spending her papa’s money, than was he in spending that of his creditors.

Let us now take a glance at another extraordinary paper, entitled “Inventory of Estate,” and sworn to by the Bishop as “a true and perfect inventory of all his real and personal property, *together with the value thereof*, as near as he can ascertain.” This paper is a curiosity. The first thing that strikes us as queer, is, that four pieces of land, heavily encumbered, are each valued at \$1. The wonder is, that each should be worth just 100 cents beyond the mortgages upon it. In the schedule of personal property, we meet with valuations equally extraordinary. Let two items suffice as specimens. We have 21 pianofortes, valued at \$650—that is \$30 95 each! The *number* of pianos teaches us the splendid and liberal style in which the Bishop furnished St. Mary’s Hall, on borrowed money; and the value he attaches to them, when about to be sold for the benefit of his creditors. Where every thing was on such a grand scale, and pianos so plenty, it is to be presumed that the bedsteads provided for the young ladies were not merely comfortable, but at least decent in appearance. Yet what value does the reader suppose the Bishop, on his oath, put upon these bedsteads, 175 in number? *Fifty cents each!* What a cheap place Burlington must be! But to be serious; these two valuations, taking no notice of many others nearly as extraordinary, seem to be the most serious, and the least excusable of all the offences of a pecuniary nature charged upon the Bishop. He must have known, at least he ought to have known, what price he paid for these articles.

We have no desire to do injustice to Bishop Doane, and therefore give his apology for these and the other valuations. He tells us that the assignees “were the appraisers of the Real Estate, unaided and uninfluenced by him. They prepared the inventory, to which, by their direction, he affixed his name. At their instance, the oath administered to him was taken.”† The personal property at St. Mary’s Hall and Burlington College, was, it seems, appraised “by the Rev. Messrs. Germain and Bradin respectively, and again revised by them and the assignees at the time, and such value put upon it as they honestly believed to be correct.”‡ So it appears he did not value one single article himself, but swore to whatever value other people, not on oath, chose to fix upon his property.

Let us next trace this appraised property, or, at least, a goodly share of it, which was sold for the benefit of creditors, to its new possessors. In the *ex parte* investigation to which we have before referred, conducted

* Journal of Adjourned Convention, p. 3.

† “Protest, Appeal, and Reply,” p. 29.

‡ “Protest, Appeal, and Reply,” p. 30

wholly by the Bishop's friends, Mr. Aertsen tells us "Miss Caroline Watson purchased the *whole of the Bishop's library* at the assignees' sale, and paid for it to the assignees. Miss Sarah P. Cleaveland afterwards purchased the library from Miss Watson, *at the same price* she paid for it at the sale, and is now the owner of *all* the books which were included in the library. *She is now a member of the Bishop's family.*"* So one young lady after another purchased the whole of the theological library, and yet not a volume is removed from the shelves. This transaction is of course too transparent to need a comment. Garret S. Cannon, one of the assignees, testifies, "It was generally understood and acquiesced in by the creditors, that the furniture and property of the institutions *should be bought in* for the purpose of continuing the schools."† The "creditors" numbered, according to the list, about 150; yet we hear of no meeting of these creditors at which it was resolved that the property should be so purchased in. The investigating committee acknowledge that "the trustees of the College, and commissioners of the Hall respectively purchased the furniture."‡ The Bishop himself, as a proof of the extraordinary accuracy of the valuation of his property, naively boasts, that, "six months after the assignment was made, all his property was exposed at public sale, open to competition from every quarter, and brought *PRECISELY* the price at which it was valued."§

The Rev. Mr. Starr tells us in his pamphlet, that there was at the time an "extensive impression that the sale was a fraud on the creditors; that it was arranged beforehand that the property should all be *bought in*, and remain where it was before; that nothing like the market value was obtained for it; and that to make out an appearance of consistency in the two parts of the transaction *the amounts of valuation and sale must be so arranged as to tally the one with the other.*"|| How far the facts and admissions we have mentioned, which have been made public since Mr. Starr wrote, justify the impression which he tells us extensively prevailed at the time, is left to the judgment of the reader.

The conduct of the two conventions of 1849 and 1850 proclaimed, in terms which no one could mistake, that no inquiry into the conduct of the Bishop would be commenced by that body. However inexcusable that conduct might be in the estimation of the public, the decree had gone forth that the Convention would not investigate, unless some one would assume the office of public accuser, and present specific charges, and thus make himself responsible for their truth—a fearful responsibility, when such a body of devoted partisans of the Bishop as the New Jersey Convention, were to sit in judgment on them. The Session of May, 1851, of course, passed without the slightest notice of the Bishop's tremendous bankruptcy, his valuation of his property, and the sale for the *benefit* (!) of his creditors.

Patience had now had its perfect work; and certain members of the

* Journal of Adjourned Convention, p. 105.

† Journal of Adjourned Convention, p. 118.

‡ Journal of Adjourned Convention, p. 39.

§ "Protest, Appeal and Reply," p. 30.

|| "A Word of Self-defence," p. 20.

Church resolved that the scandal resting upon the Episcopalians of New Jersey, through their apathy to the charges against the moral character of their Bishop, should be removed. Any three Bishops have concurrent power with a Diocesan Convention, to inquire into the conduct of an accused Bishop, and, if deemed proper, formally present him for trial. Four gentlemen of New Jersey, and all communicants of the church, addressed, in August 1851, an exceedingly temperate and well written communication to the Bishops of Maine, Ohio, and Virginia, stating that grave and serious charges against Bishop Doane had been rife for the last two years; and that the course pursued by the Bishop and his convention, had tended to strengthen public belief in the truth of these charges. They moreover stated that having themselves investigated the charges, they believed that certain of them, which they specify, can be supported by proof; and they call upon the Bishops to take such measures, in accordance with the canons, as their views of official duty and the good of the Church may seem to require. The duty of the Bishops was evidently to exercise a sound discretion. Like a grand jury, they are not bound to notice every complaint, regardless of its character; nor ought they to found a presentment on any charge, unless, in their opinion, supported by competent proof. The charges made were abundantly grave, if proved, not merely to warrant a presentment, but to justify a severe judgment by the Court of Bishops. The three Bishops were naturally desirous to avoid, if possible, the invidious task of bringing their brother to trial, and, possibly, to punishment. On consulting the canon "on the trial of a Bishop," they found that "the trial of a Bishop shall be on a Presentment in writing, specifying the offence of which he is alleged to be guilty, with reasonable certainty as to time, place, and circumstances. Such presentment *may* be made for any crime or immorality, for heresy, for violation of the constitution or canons of this church, or of the church in the Diocese to which he belongs. Such presentment may be made by *the convention of the Diocese to which the accused Bishop belongs* * * *; it may also be made by *any three Bishops of this Church.*" Of course the Convention and the three Bishops had equal and concurrent right to present Bishop Doane, not the slightest difference being made between the presenting parties, except that certain restrictions are imposed on the Convention, as to the proportion of the members present, and the majority concurring, while the three Bishops are left without any restrictions whatever. The three Bishops were anxious that the Convention should exercise, in this case, the power it possessed; but well knowing its past extraordinary course, they determined not to shrink from the painful duty to which they had been called, unless the Convention would itself faithfully discharge it. Instead, therefore, of proceeding at once to investigate the charges themselves, they sent the communication they had received to the Bishop, accompanied by a kind but frank letter. They tell him they cannot avoid the call made upon them, unless the object of that call can be obtained in some other way. Very unwisely, and without any sufficient reason, they express the opinion, that it was the "expectation of the Church, in her canon for the trial of a Bishop, that action shall first take place in diocesan convention." Now not a syllable in the canon intimates such an expectation; and any en-

actment to this effect would have led to inextricable confusion. Suppose the canon had enacted: "The three Bishops shall make no presentment, except when the Convention refuses to institute inquiry, or neglects to do it for a long period, or performs the duty unfaithfully." Surely the three Bishops could never make a presentment without first trying, and passing judgment of condemnation on the Convention. Before a delinquent Bishop could be tried, his convention must be convicted of refusing to institute an inquiry, or of neglecting to do it for a long period, (what is a long period?) or of doing their duty unfaithfully. We can scarcely conceive of a more mischievous law, one more likely to keep the whole Church in a state of excitement and conflict. But the Bishops were too anxious to cast the burden off their own shoulders, to perceive the weakness of their own argument. They urged their brother to call a special convention, that all the charges against him might be investigated by an impartial and intelligent committee. They intimate that such an investigation would relieve them from the duty of noticing the charges; but that a mere vote of confidence by the Convention, or a declaration that no inquiry was necessary, would not have the same effect. It is impossible for a disinterested person to deny that this proposal of the three Bishops was in itself frank, kind, and honest, whatever ignorance it displayed of the character of Bishop Doane and his partisans. But never, probably, was an intended favor more ungraciously received than was this by the Bishop of New Jersey.

The *very day* on which he received the communication of the three Bishops, he replied to it, in an epistle which reflects as little credit on his character as a Christian, as it does on that of a gentleman. His surprise, is "heated into indignation"—he "must alike resist the intrusion into the fold which he received from Jesus Christ, of the individual papacy of Rome, and of the *triumviral papacy of Virginia, Maine and Ohio.*" He scruples not to insinuate that they are malignant hypocrites—"might not the real secret of their earnestness, to have the presentment made by the Convention, be their anxiety to save their own three votes for *use upon the trial.*" In other words, your proposal is a vile contrivance to give you three an opportunity of voting for my conviction in the court of Bishops, which as *presenters* you cannot do. But one day was insufficient to pour out his wrath and indignation. In three days more he concocted his "PROTEST," one of the queerest documents ever issued by a professed successor of the apostles. He commences, "In the name of the Father, and of the Son, and of the Holy Ghost." He makes "as in the immediate presence of the HOLY TRINITY, adorable and ever to be blessed," his Protest against the "*uncanonical, unchristian and inhuman* procedure" of his three Right Rev. Brethren. He complains that the three Bishops "reject beforehand the declaration of this Convention, that they believe him innocent, and the determination that *inquiry is unnecessary.*" The Bishop in his anger forgets that the Convention had made no such declaration; but had refused inquiry, except on specific charges; and that the Bishops had now presented him with *nineteen* specific charges, accompanied with no less than *twenty-nine* specifications, minutely describing the particular circumstances of the crimes and immoralities alleged against him.

As if he thought his authorship of this wonderful paper would be discredited, he takes the precaution to have his signature attested by *four* Presbyters of his Diocese. The letter to the three Bishops, and his Protest in the name of the Holy Trinity, proved insufficient safety-valves for the escape of his surprise heated to indignation, at the audacious proposal, that the terrible charges against him, should be investigated by an intelligent and impartial committee of his convention, virtually of his own most obsequious friends. A further document was necessary. An "APPEAL" followed, quite as qucer, as indecorous, and as unchristian, as the other two. The APPEAL is addressed to all the Bishops of the American Church (the three only excepted) individually, giving their name and titles in full with their academic degrees, occupying nearly a page and a half. But an appeal to only thirty Bishops, including one in China, and one in Africa, did not satisfy him, and hence he extends his appeal to "All and singular the Bishops of the Reformed Church in ALL THE WORLD." The appeal seems to have two objects; first, to communicate the appalling intelligence that "THE FREEDOM, PEACE, AND ORDER OF THE CHURCH ARE THREATENED NOW BY A TRIUMVIRATE OF TYRANTS," and secondly, to exhort these Bishops to stand on their defence against the three tyrants. The promulgation of this appeal, it seems, is a condition of the Bishop's salvation. "The undersigned could never rest upon his pillow, nor go in hope into his grave, nor look for mercy at that day, did he not call upon his brethren in the Episcopate, as they shall stand with him before the Judge, to give account of the *Holy and beautiful flocks* which they received from Him, as purchased with his blood, to see to it, upon the peril of their consecration vows, that this high-handed undertaking be indignantly frowned down." So the action of this world-wide court of appeal, is to be a universal united frown upon the three tyrants! That the Bishops "in all the world" may have full confidence in the alarming intelligence respecting the machinations of these tyrants, the Bishop is careful to have his signature to this portentous despatch verified by *four* attesting Presbyters.

Having thus let off the steam, and feeling in consequence more tranquil and comfortable, he sets to work, and forms a "REPLY" to the various charges against him, forwarded by the three Bishops. Of all modes of trial, that is the most easy and pleasant, in which the accused has an opportunity of vindicating himself, simply by his own assertions and negations, without the production of documents, or witnesses, and with no one to ask impertinent questions. It would be uncandid to deny that the Bishop's reply, excepting so far as his own admissions create unpleasant suspicions, is most triumphant, admitting that all he says is incapable of contradiction. And the wonder is, that being so invulnerable, he should have such a horror of a trial, and resort to such curious expedients to avoid it. But the Bishop is a very queer man, and of course uses queer arguments. We have seen that the Convention of 1849 refused to make an inquiry into his conduct, not on the ground that they believed him innocent, but that without specific charges first made, an inquiry would be "unlawful, uncanonical and unconstitutional." Yet the Bishop, referring to the refusal of the Convention to inquire, tri-

triumphantly exclaims, "What more complete acquittal of all blame than this result, could possibly be had!" and then with a strange fatuity he adds to his pamphlet a report of the speeches made in the Convention, from which it appears that the refusal to inquire was no more an acquittal, than would be the quashing of an indictment, for fatal legal informalities, "a complete acquittal of all blame."

As the three Bishops had urged, and in some degree threatened a trial, Bishop Doane, to be revenged on them, determined to arraign them before his own convention, and there obtain judgment against them *instantly*. This to be sure was a novel procedure, and one unknown to any Bishop "in all the world:" But "onward," or *go ahead*, is the Bishop's motto; and go ahead he does, whether in borrowing money, dodging a trial, or condemning his brethren. He issued his proclamation, summoning a Special Convention, not to do him the justice of investigating the nineteen charges, and twenty-nine specifications made against him, but "to consider and express their JUDGMENT on the official conduct of the Bishops of Virginia, Maine, and Ohio, touching the rights of the Bishop and the Diocese, in dictating a course to be pursued by them." The Convention assembled on the 17th March. The crime of the three Bishops, it will be recollected, consisted in giving their brother the choice of having certain charges investigated by his own convention, well known to be most obsequiously friendly, or of being presented and having the charges passed upon by the House of Bishops. The Bishop relished neither alternative, and resolved not to choose either. The Bishop addressed his convention at large, on Diocesan independence, and in his wild, reckless logic, first approved of the refusal to adopt Mr. Halsted's motion for inquiry, declaring that "no one admitted that the course proposed was *regular or allowable*;"* and then presently forgetting this declaration, he insists that the refusal to do what was neither regular nor allowable, indicated the Convention's "full, perfect, and entire satisfaction, with the innocence of the accused!"† Hence he argues, "The action has taken place in Diocesan Convention. The Bishops cannot take it up. To admit it, were to surrender the very outposts of freedom, ecclesiastical and civil." We almost lose sight of the nonsense of such logic, in our astonishment at its audacity.

The Bishop as usual presided, notwithstanding he was personally interested in the judgment of the Convention against the three Bishops—his own glorification, and possibly his escape from a trial, being connected with their condemnation. Retiring from the chair, and leaving the speaker and voters unembarrassed by his presence, forms no part of his tactics. Of the temper of the Rev. members, the following may be taken as specimens: Said the Rev. Mr. Southard, addressing the chair, "Father, I for one will vote my confidence in you." Said another, Rev. Mr. Pratt, looking the Bishop in the face, "I have heard and known some persons who were *graciously privileged to receive Holy Baptism* in this fold, to bemoan and ridicule, and sneer at the devotion of the clergy, the subserving and cringing servility, as some have termed it, to their

* Address to Special Convention, p. 13.

† Address to Special Convention, p. 15.

Bishops." The Rev. gentleman must have been almost ready to doubt the regenerating influence of the waters of Baptism, on discovering that they did not secure the New Jersey clergy from the taunt of "cringing servility." Fearless of the sneers of the baptized, Mr. Pratt proceeded, "We of the clergy, and you, brethren of the laity, admire and honor our Bishop for what he has done; we sorrow with him, that he has been to some extent disappointed in what his *genius* planned; but we submit him to God's dispensations." * It was certainly a mysterious as well as a Providential dispensation, that a man borrowing and spending like the Bishop, should become a bankrupt. The gentleman concluded his speech, in the plural number, as representing the whole convention, declaring of Bishop Doane, "*We* already believe, and in our hearts and consciences long since judged him to be *intact of guilt*, and in morals irreproachable;" and this without the slightest inquiry into the heavy charges against him. The language of the Rev. gentlemen which we have quoted, only foreshadowed the doings of the convention. That body resolved that they approved the refusal of the Bishop to call a special convention to examine the charges against him; that "the official action of those Right Rev. Bishops (the three Bishops) is, in the judgment of this body, unwarranted by any canon law, or usage of the Church." They moreover gave the Bishop the following WHITEWASHING No. II.: *Resolved*, That, in view of the unanimous action of the convention of the Diocese in 1849, and all that has since occurred, in reference to the subject matter of the alleged charges against our Bishop, this Convention has entire confidence in the uprightness of character and purity of intention, which have actuated him during his Episcopate."

The following extraordinary resolution was added:

"*Resolved*, That while the Bishop has always heretofore, and in his address this day, avowed his willingness to meet an investigation of any charges duly made and presented; and while we affirm with entire confidence, in behalf of the Convention of this diocese, that it ever has been ready to make such investigation, yet the best interests of the diocese and of the Church at large, *require no such proceedings*."

Surely the Church ought to rejoice in having such a precious grand inquest as the New Jersey Convention, to watch over Episcopal purity and morality. First, we have this inquest, contrary to all precedent, refusing to originate an investigation on account of injurious rumors and publications. Next, we have a solemn affirmation of its readiness to investigate any charges duly made and presented, when, at the very moment, it was in possession of no less than nineteen charges, and twenty-nine specifications, preferred by four communicants of the Church, and forwarded by three Bishops, with the expression of their earnest conviction that they merited examination. Yet this wonderful inquest, without hearing an iota of testimony, without daring to deny that the charges, if true, involved deep criminality, proceed to whitewash the Bishop, by declaring their own belief in his innocency, and the uselessness of any inquiry, and adjourn and go about their business without taking any other notice of the many and heavy charges against their

* Banner of the Cross, March 27, 1852.

Bishop, "duly made and presented." It is difficult to account for such strange conduct in a body of Christian laymen and clergymen—such palpable violation of duty, such contempt of public opinion, except on the well-known principle of human nature, that individuals are apt to lose the sense of personal responsibility, when acting in and with masses. Thus political meetings are continually *resolving* falsehoods, of which few, comparatively, of their members, would be guilty in their private capacity. We may also find a key to these strange proceedings, in the sympathy felt by a party, whether in Church or State, for a bold, reckless leader, and above all, in the patronage and influence wielded by a Bishop over his clergy, and by them over their prominent parishioners, who compose the lay delegation in the Convention. Bishop Doane had, moreover, spent not far from \$300,000 in his diocese; and he who scatters money with a liberal hand, will have many grateful admirers. Again, the Bishop was neither accused nor suspected of having transferred other people's money to his own pockets. Far from it, he had by his energy, and by various contrivances, collected a vast amount, all of which, except what he had paid to usurers and banks, he had expended for the Church; and were the sons of the Church to scrutinize the sources of the rich presents he had made to their own mother? Surely, if ever the end sanctifies the means, it was in his case.

On the 26th May, the Convention held its ordinary session, and were informed by the Bishop that since its special meeting in March, he had been served with a formal presentment, made by the three Bishops, and had been summoned to appear and answer before the Court of Bishops, to be held at Camden, on the 24th June. He told them, among other things, "I have perfect confidence that the diocese whose representatives at the Special Convention FILLED THE HEARTS OF CHRISTENDOM WITH GRATEFUL ADMIRATION, will look well to its own rights and responsibilities;" that is, he trusted they would do their best to rescue him from the threatened trial. Considering that the Special Convention passed their condemnation on the three Bishops on the 17th March, little more than eight weeks since, we have here a marvellous instance of the rapid transmission of intelligence. In this brief space, news of the action of the Convention had, it seems, crossed the Atlantic, spread through Christendom, filled the hearts of Protestants, Papists, and the Eastern Church, with grateful admiration; and intelligence of this joyful effect had poured in from all quarters to the Bishop of New Jersey! Verily the tongue, though a little member, "boasteth great things."

The Convention *Resolved*, That the Presentment by the three Bishops "furnishes the *first and only occasion* in which any Convention of New Jersey has had an opportunity of exercising its solemn duty and clear right, under the canon for the trial of Bishops, to investigate in the first instance accusations against the Bishop." Truly, a most extraordinary averment. The Convention of 1849 refused to investigate rumors and newspaper charges; and the Convention of March, regardless of the earnest request of the three Bishops, omitted to notice the numerous and specific charges made by members of the Church. And now, when about to seize hold of an indictment made by another,

and a canonical inquest, to be *tried* by the only court recognized by the Church, and to oust that court of its jurisdiction, it proceeds, by way of proving their competence as an impartial tribunal, to investigate the truth of this indictment, to give their Bishop WHITEWASHING No. III. by reaffirming their "entire confidence in the purity and integrity of the Bishop." They first adjudge the accused to be innocent, and *then* pretend to inquire into his guilt. Hence, they appointed a committee "to make a full investigation" of the charges in the presentment, and adjourned to the 14th of July, to receive the Report. It would have saved trouble to have adopted the Report, as they acquitted the Bishop *in advance*. The 14th July was beyond the day appointed for the trial, but the Convention well knew that the trial had been postponed to the ensuing October, so that the Bishop would be able to appear before the Court with a record of his acquittal of the very charges which the Court was summoned to try.

The Convention reassembled on the day appointed, and the journal tells us the committee "presented their Report, which is subjoined." It is almost certain that the Report, *with the testimony* taken by the Committee, was not read, inasmuch as the same occupies 146 printed pages, and the Convention adjourned before taking dinner. They remained, however, long enough in session to apply to the Bishop WHITEWASHING No. IV., viz. :

"*Resolved*, That the result of this investigation, and the evidence now laid before the Convention, renew and strengthen the confidence, heretofore expressed in the integrity of the Right Rev. the Bishop of this diocese, and in our opinion fully exculpate him from any charge of crime or immorality made against him."

With wonderful assurance, they appeal to the Church to ratify their declaration, that they have made a full, searching, and honest inquiry into the allegations against the Bishop, "faithfully and in the fear of God," and they appointed a committee to appear before the Court of Bishops, to urge them to consider whether it will be wise, just, or for the peace of God's Church to proceed further upon the charges laid before them; in plain words, not to *try* the Bishop, not to hear any testimony against him.

The examination by the Committee, if not a ludicrous, was at least a very impudent farce. The three Bishops had investigated the conduct of Bishop Doane; they had sought out testimony, and on that testimony had framed no less than twenty-seven distinct charges of misconduct. In these charges, a number of individuals were of course named, not necessarily as witnesses, but as persons connected with the transactions referred to; and in many of the charges, no individuals were named. The Committee *neither asked nor received from the Bishops* the name of a single witness. They contented themselves with summoning the persons incidentally mentioned in the Presentment; they invited therefore laymen who had preferred the original charges, and, contrary to all legal precedent, they invited Bishop Doane to attend their inquest, that he might personally confront any of his flock who might dare to appear before them as his accuser—very proper on a *trial*, but very improper in a preliminary inquiry. This last invi-

tation was of course accepted. Those who were disposed to testify against the Bishop, and were really anxious to bring him to trial, of course took no part in this broad farce, which was commenced by a full and absolute acquittal in *advance*, by the very body who appointed the Committee of Investigation: an acquittal in which the Committee themselves had concurred, and who of course could not report against the Bishop, without stultifying both themselves and the Convention. Mr. Halsted declined appearing before the Committee, but gave them a list of thirty-eight witnesses, of whom only four attended.

The committee acknowledge that "on the day of meeting, neither the accusers of the Bishop, nor any witnesses to sustain the charges, appeared before them." The whole number of witnesses examined was twenty-one, not one of whom, as far as we can judge, was in any degree an accuser of the Bishop. No one appeared as prosecutor. No one assumed the task of cross-examining the witnesses. Almost all the witnesses were the eulogists of the Bishop; and as the testimony appears in the form of affidavits, it is to be presumed they testified to just so much, and no more, as they deemed proper. Were the proceedings of our Grand Juries thus conducted, surely no man need dread an indictment. When it is recollected that this examination was instituted for the avowed purpose of superseding and preventing a canonical, fair, open trial, and was afterwards successfully so used, and that the witnesses before them were the Bishop's friends, it must be admitted that the conclusion to which the committee arrived was exceedingly natural, viz.: "that the Bishop is not guilty of crime and immorality, as in the specifications set forth and charged."

This finding may be regarded as WHITEWASHING No. V.: for although it preceded the vote of the last convention, its doings were made public subsequently.

The Presentment which the committee thus attempted to snatch from the House of Bishops, and to quash by their own *ex parte* examination, was made on the 30th of March. The court, as already stated, was summoned to assemble on the 24th of June, but its meeting was previously postponed by the presiding Bishop, until the 7th of October, for the convenience of two of the members who wished to visit England in the interim. Doubts having arisen as to the canonical power of the presiding Bishop to adjourn the court after having convened it, it was deemed expedient, for avoiding all technical questions, to make a new presentment, and have the court again summoned to try the said presentment. Hence a new presentment was framed, and some new charges added, among which was one of intemperance,—and the court was duly summoned to meet on the 7th of October, to try the new presentment.

Such were the circumstances under which the court of Bishops, fourteen in number besides the presenters, convened at Camden. At the Bishop's request, the court adjourned to Burlington, the place of his residence, and where, as he informed the members of the court (not the *three* Bishops), families would cheerfully and cordially entertain them. In other words, the Judges, if they would go to Burlington, would be fed and lodged free of expense by the friends of the accused. The request was granted, and the court adjourned to Burlington; but it is

believed that no one of its members was so regardless of decency and propriety, as to follow the precedent set by the Bishop, who ate the bread and slept under the roof of Bishop Onderdonk, while trying him. and gave a judgment in the case perfectly consistent with such an open disclaimer of judicial impartiality.

No sooner had the Presentment been read to the court, and before the accused had even pleaded to it, than a third party claimed to be heard. Strange as it may seem, the claim was admitted; and the court, instead of proceeding with the trial, listened to a committee of the New Jersey Convention, narrating the several *whitewashings* the Bishop had received, and insisting that he was now so very white, that any examination on the part of the court was utterly unnecessary, if not unlawful. "The Diocese of New Jersey has pronounced a *verdict* of acquittal, and now stands before you to plead that verdict in all its canonical force, and its moral weight." A *verdict* is the result of a trial. Now the New Jersey Convention never did try the Bishop, and never had any right to try him. Of course it never did pronounce a verdict, and never had the right to pronounce one. It had the right, *on evidence against the Bishop*, to ask for his trial. It received no evidence against the Bishop, and did not ask for his trial. The convention and its agents seem to have partaken of their Bishop's recklessness of assertion, and his fondness for "great swelling words." *The canonical force and moral weight of the New Jersey Convention's verdict, are just as real as the "grateful admiration" with which the same convention in four weeks' time "filled the hearts of Christendom."* We have seen that at the special session of March, the public were in possession of numerous and particular charges against the Bishop, made by four citizens of New Jersey, communicants of the church; and that these charges were deemed very grave, by three Bishops, who recommended that a special convention should be called to examine them. Well, a special convention soon after assembled, and did not condescend to notice one of the charges. Why not? Alas, an unfortunate provision in the Constitution prevented them. Hear the committee: "On the 17th of March 1852, a special convention was held. It was called to consider and express its judgment upon the subject of a letter addressed by the three Right Rev. Prelates to the Bishop of the diocese. *Restricted* by the terms of the call, and a canon (?) of the church of this diocese to action upon the definite matter, the convention could go no further than to declare its continued confidence in the uprightness of the Bishop, and to affirm on behalf of the convention of the diocese, that it had ever been ready to investigate charges duly made and presented."

This is a dark, repulsive feature in these proceedings. The canon compels the special convention to confine itself to the subject mentioned in the call, and the call set forth the expression of its judgment on a certain letter as the subject of its action. Well, the convention did express its judgment that the subject of the letter was "unwarranted by any canon, law or usage of the Church." Here, then, the power of the convention was exhausted. Oh no! although not called to express any opinion of the Bishop, they venture, in spite of the canon, to warrant his uprightness of character, and purity of intention. No doubt, as

the convention had always been ready to investigate charges duly made and presented, they felt very sorry the Bishop had not given them by his call an opportunity to examine the very special charges presented by the three Bishops. Not a bit of it. Regardless of the canon and the call, they venture to express their "entire approbation" of *the refusal of the Bishop to call a special convention to investigate these charges*. Their hands are tied, and they are glad they are tied. As they disregarded the canon just as far as they pleased, they might, if they pleased, have noticed the charges as being proper subjects for examination by the next convention. But no, not the most distant hint is given that these heavy and specific charges "duly made and presented" ever would be or ever ought to be investigated, nor is there any reason to believe that any intention existed on the part of the Bishop and his friends, to take any testimony in support of them. The examination instituted by the succeeding convention, was not to discover whether the Bishop was really guilty or not, for the convention settled that without examination, but merely to afford a pretext for suppressing the threatened trial. The new presentment contained, as has been said, some new and very heavy charges. The committee did not elaim a verdict of acquittal on these, although they might safely have promised one. They only made the modest request that the court would adjourn long enough for the convention to have them investigated. Thus was it virtually claimed that no Bishop could be tried by his peers, without the consent of his diocese. If a Bishop was duly presented, a convention might oust the court of Bishops of its jurisdiction, by seizing upon the presentment, and declaring it insufficient, although not a witness had been examined by them in its support; and further, that even after a court is assembled for the trial of a presented Bishop its proceedings may be stayed, till the convention shall decide whether the trial shall go on or be stopped.

Thus did the high churchmen of New Jersey, to save their own Bishop from a trial, aim at making all the Bishops of the Church mere puppets in the administration of episcopal discipline, and thus did they try to nullify a canon passed by the general legislature of the Church. The three presenters put in a written answer to the pretensions of the committee. This answer is so very masterly, and its principles are so broad and impregnable, and its reasoning and style so different not only from New Jersey logic, but also from most of the episcopal arguments afterwards delivered, that it is not disrespectful to the presenters to admit the probability, that in preparing the document they had received the aid of some very able jurist. Bishop Doane deemed it unsafe to leave the answer of the Bishops without a reply; and throwing aside as usual all considerations of personal delicacy, the next day endeavored to convince the court that it ought not to try him. The address was characteristic. The Bishop did not appear on his own behalf, but as the "next friend" of his convention! He appeared to defend the rights of the convention, that is, the right to save him from a trial.

Some idea may be formed of his standard of morality, and his views of comparative criminality, from his extraordinary avowal: "I should be guilty, if I did not vindicate the New Jersey Convention from cer-

tain remarks made by the three Bishops of a blacker crime than I am yet accused of—the *treachery of silence* when the absent is condemned unjustly.” The vindication of the convention was, in fact, a vindication of its efforts to screen him; and to omit making such a vindication, would be a blacker crime than getting money under false pretences—blacker than falsehood under oath—blacker than intemperance in the use of intoxicating liquors! One of the arguments used by the Bishop why he should not be tried was no less novel than elegant—“All the names of all the laity who further this proceeding could be written on my THUMB NAIL.”* But amid the usual strange logic and imagery of the Bishop, there is an avowal which strikes one pleasantly, from its extraordinary frankness—an avowal which scarcely one man in a thousand, in his peculiar situation, would have had the courage to make. “I am resolved,” he claimed “to do what lies in me to make the trial of a Bishop *hard*.” But, then, he would do this from no interested motives: he lost sight of himself, and told the 14 Bishops of the court: “*For your* sakes, and for their sakes who shall come after you and me, until THE WORLD SHALL END, I am resolved, although the opposite theory prevails with the Presenting Bishops, to do what lies in me to make the trial of a Bishop *HARD*!!” How far it would conduce to the purity of Bishops themselves, to their influence for good, and to the honor of God’s Church, to make *it hard*, either to vindicate or to convict and punish a Bishop, publicly accused by his fellow Bishops of high crimes and immoralities, it is not necessary to inquire *out* of New Jersey. In vain did the Right Reverend presenters, addressing the Court of Bishops, declare, “We

*The Bishop delights in hyperboles, and is by no means fastidious in selecting them. The idea meant to be conveyed is, that only three or four laymen of the church in all New Jersey disapprove of his management to evade a trial, or fail to condemn the conduct of the “three tyrants.” The journals of the several conventions tell a different story. There are, it is said, 37 clergymen in the diocese having votes in the convention; of these, only 27 answered to their names in the special convention called by the Bishop to sit in judgment on the three Bishops. Of these two fearlessly voted against the Bishop, and one deemed it best not to vote at all. The parishes have each one vote, given by the majority of its delegates. Whether the delegates are unanimous or not does not appear, except when being equally divided they have no vote. Supposing, what we have no reason to believe, that none of the delegations opposed to the Bishop were unanimous, we find that there must have been at least 19 lay delegates who differed from the judgment passed on the three Bishops. In the convention of May, *five* of the clergy voted against the appointment of the whitewashing committee, and at least 18 lay delegates. In the convention of July, which met to endorse the finding of the committee, only 25 of the 37 clergy attended; and of 57 parishes, only 28 were represented. The names of the delegates present being omitted from the journal, we cannot tell how many voted against the Bishop; but we find *five* delegates and *four* of the clergy refusing to vote that the result of the committee’s investigation “strengthen the confidence heretofore expressed in the integrity of the Right Rev. Bishop, and, in our opinion, fully exculpate him from any charge of crime and criminality made against him.” On this delicate question, a third clergyman thought best to “decline voting.” Of the 25 clergymen present, 16 only could swallow the assertion that the *ex parte* examination by the convention was “a full, searching, and honest inquiry.” Now, when we recollect the influence which the dissenting pastors probably have in their congregations, and that the lay delegates who went against the Bishop are but *representatives* of lay constituencies, we may form some opinion how far the metaphor of the Episcopal thumb nail is in accordance with truth.

now stand here *full-handed, with proof of the allegations of the presentment*—we stand here as the presenters of the accused, because *we believe him guilty*; we ask for his trial, because *we expect to prove the presentment we have made*." A strange, mysterious influence brooded over the court, and by a vote of eight to six, the following Preamble and Orders were adopted.

"Whereas, previous to making of the Presentment now before this court, the Convention of New Jersey had investigated most of the matters contained therein, and had determined that there was no ground for presentments therefor.

"Ordered, that as to the matter thus acted upon by said convention, this court is not called upon to proceed further.

"Whereas the Diocese of New Jersey stands pledged to investigate any charges against its Bishop that may be presented from any responsible source; and whereas a special convention has been called, and shortly to meet, in reference to new matters contained in the Presentment now before this Court, therefore,

"Ordered, that this Court, relying upon the said pledge, do not now proceed to any further action in the premises."

It will be observed that the court here confirm and accept the report of the investigating committee, before whom not one witness was examined in support of the charges, and totally reject and disregard the asseveration of the Right Rev. presenters, that they were at that moment "FULL-HANDED WITH PROOF OF THE ALLEGATIONS OF THE PRESENTMENT," and ready to produce it. This action of the court was, therefore, Bishop Doane's *WHITEWASHING NO. VI.*

Unfortunately for the reputation of the court, the Right Rev. Judges delivered their opinions in writing, thus affording the most unimpeachable evidence that their judgment was reached, not by weighing arguments, but by counting votes.

The special convention, which the Bishop had in bravado summoned *after* the court had been appointed to try him, convened on the 27th October. The Bishop, flushed with his recent victory, of course addressed his faithful supporters, assuring them of his "sincere conviction" that the decision of the court which saved him from a trial, was "attained under the guidance of that HOLY SPIRIT whose presence in the court had been invoked at a *thousand* altars and by *ten thousand* firesides." We have seen how fond the Bishop is and accustomed to the use of great swelling words; it was modest in him on this occasion, to limit the prayers which ascended to Heaven in regard to his threatened trial, to only one thousand churches, and ten thousand families in their domestic devotions.

As the whole business of the special convention related to the Bishop personally, being the investigation of certain new charges preferred against him by the presenters, decency required that he should vacate the chair, and not preside over discussions of which he himself was the subject. But the Bishop's ideas of propriety are peculiar. *After dinner* the discussions were stormy, and the Bishop tempestuous. As the Bishop retained the chair, a member moved that the convention go into committee of the whole, which would necessarily remove him from the

chair for a time.* "THE BISHOP—You're out of order, sir, you're out of order. I can't permit this interference with my rights." And now followed a scene which has rarely, if ever, been witnessed in an American deliberative assembly: the chairman intermixing at pleasure in the debate, and bandying not compliments but insults with the members.

Walter Rutherford, Esq., offered a resolution, stating that as it appears from the report of the investigating committee, that only a portion of the witnesses had been examined before them, and "scarcely any, on whose evidence the Presentment rested," and as the presenters had declared they stood "full-handed with the proof" of their charges, that the Bishop "be earnestly solicited to demand from his Peers a trial of these charges, that public opinion may be satisfied and his character sustained in the church." "THE BISHOP—I have been consecrated a Bishop of the Church of God, and am not to be instructed by laymen. I cannot believe (it would belie the honored *name* he wears),—I will not believe that the mover of this resolution intends it as a personal insult * * * * I put such a resolution! never—never—never! Did any body ever hear of a layman calling on a Bishop to put a proposition like that? So far as concerns me, that the convention call upon me to request to be tried, I shall do no such thing. It's too absurd to talk about * * * * A Bishop has obligations which no man of his diocese can *understand* or enter into. His position is altogether separate and peculiar. He stands by himself. He is a KING. There are points in which no counsel can be permitted to come in." Our Kingly Bishop had a few rebellious subjects. Among these was the HON. JAMES PARKER. This gentleman addressing the royal chairman remarked, "Well, sir, if the rule here is to be *sic volo, sic jubeo*, if the Bishop is to rule the convention in this absolute fashion, we had better put on our hats and go home. I understand that the Bishop of this Diocese, when we ask him to put a question, says he will not be dictated to. Now if that is to be the rule, I am not disposed to waste time in discussing propositions, until I know that the President will put them."

A member referring to an insinuation that the new charges in the 2d presentment were known to the presenters before they made the 1st presentment, the Bishop interrupted him with "They (the presenters) say expressly that two were left out by *accident*; *I say* they were *designedly* left out," thus giving to his three Right Rev. Brethren the lie, in the presence of the whole convention.

Mr. Cortland Parker, not deterred by the castigation inflicted on Mr. Rutherford, had the temerity to move "That in the opinion of this convention, the fair fame of the Bishop cannot be effectually rescued from the accusations against it by any *ex parte* inquiry, however thorough, nor without a canonical trial.

"THE BISHOP—This is worse than the other. I'll put no such resolutions—I'm a Bishop—I'm Bishop of this Diocese—I'm Bishop of this Diocese in convention, and I'll stand this no longer—I have been before

* Our extracts from this debate are taken from what appears to be an impartial report, entitled "A Report of the Doings and Sayings at the Special Convention of the Diocese of New Jersey, 27th Oct. 1852."

the court of Bishops—I took the counsel of that court, and—I am here. But I will not put a resolution like this—what child's play! After all that has passed, I put a resolution retracting the whole course adopted, calling upon this convention to say that in their opinion my fair fame needs a trial! This after the Convention has resolved that a trial was unnecessary—have sent their committee to prevent it—have actually succeeded in preventing it! I'll do nothing so utterly absurd. I disclaim all idea of distrust as to the motives of the mover, and of the sincerity of the gentleman; but his resolution is in effect an unconditional censure. It is worse than that, it's an absurdity—a self-stultification. The time has come to stop these resolutions saying the fair fame of the Bishop demands a trial. * * * * This mode of personal discussion and personal reflection here—I'll put up with it no longer. I challenge the denial of any thing I have said. I challenge any man to put his finger upon the smallest fraction of error in my estimate of my position and what my fair fame demands. I defy the proofs to the contrary. I deny there is any want of confidence in me." The challenge thus boldly given was as boldly accepted.

"HON. JAMES PARKER—I rise, sir, in behalf of those whom I represent, to protest against the tyrannical conduct of the Bishop. The Bishop has not the authority to stop debate, I protest against his assumption of it. You have destroyed the freedom of debate, sir. You refused to put a question offered by the gentleman before me—interrupted him in his remarks—and nothing, sir, but my gray hairs, it seems, excused me from like interruption. You may consider me for that matter as young as you please. *Any body that came in and saw the Bishop speaking would have thought him excited by something very uncommon.*

"MR. HALSTED,—I have an amendment to move; and my amendment is, that the committee be appointed to examine *all* charges against the Bishop. I have a charge,—and I appeal to every man in this house if the charge is not correct. The charge is this. His conduct while presiding over the convention in this Diocese has been discourteous, overbearing and tyrannical, wholly destitute of that propriety which should belong to a Christian Bishop.

"MR. JAMES PARKER,—I move that the Bishop is out of order. You are as disorderly a man as anybody in this convention."

Apparently the Bishop was taken by surprise and utterly cowed by these free-and-easy remarks, while not a word was uttered by his friends in his behalf; and throughout the rest of the session, he behaved like a gentleman, assuming no more airs of royal dignity and authority.

The convention reappointed the old investigating committee, to inquire into the new charges. In selecting this committee, the convention manifested its consistent and tender regard for "the fair fame" of their Bishop. Not an individual who thought that fame required any other action than whitewashing was placed on the committee; and as the members of the committee had already officially declared their confidence in his integrity and purity of intent, there was little danger that they would now perplex the convention, by reporting a change of opinion.

As might have been expected, not one single witness appeared before the committee, except to exculpate and glorify the Bishop. Those who could have testified against him, had too much sense and self-respect to appear before such a tribunal. The most serious of the new charges related to an undue use of intoxicating liquors; as a matter of course, no evidence was given in support of the charge, but abundance of negative evidence against it. The Bishop attended the committee, and had the pleasure of seeing his friends volunteer their testimony.

The convention again convened on the 1st December; the Bishop was absent through indisposition, and the proceedings appear to have been at least decorous. The investigating committee reported that "the evidence in this case, has produced on their minds no diminution of their confidence in the integrity and purity of your Bishop: on the contrary, increased love and respect for him; but has presented to them and to the world, drawn from their modest hiding-places, habitual and beautiful examples in him, of that virtue greater than all others, CHARITY." This was whitewashing No. VII., and the convention immediately applied whitewashing No. VIII., by resolving that the "evidence now laid before the convention, renew and strengthen the confidence heretofore expressed in the integrity of the Right Rev. the Bishop of this Diocese, and in our opinion *fully exculpate* him from any charge of crime or immorality, made against him." With this convention terminated, for the present at least, the struggles of the Bishop's friends to shield him from the hazards of a trial, and to bolster up his reputation in the default of a fair, bold, and manly examination of the charges against him.

Utterly repudiating all professions of indifference, or neutrality in a case so deeply affecting the honor of the Church, and the influence of religion, we have endeavored to give a faithful statement of *facts*, wholly unconscious of having misrepresented any.

As to the *truth* of the charges preferred in the two presentments, we have offered no opinion. Those charges *have not been tried*. The defendant has indeed called what witnesses he pleased, and they have testified as he or they pleased. But not a witness has been examined in support of the prosecution, nor has any prosecutor appeared at the examination; under the circumstances of the case, any attempt to have sustained the presentments, before the investigating committee, would have been treason to the cause both of justice, and of church discipline.

So far as the *ex parte* evidence in behalf of the Bishop, unsifted, unrebuted, is to be received as proof, it would be uncandid not to say, that it confutes most of the charges, and greatly mitigates the others. As far as it is safe to form an opinion from this one-sided evidence, in the total absence of that on which the presentments were founded, we are compelled to say, that the Convention of 1849 which refused to *inquire* into rumors against the Bishop, outwitted itself by its own *cunning*. Had the Bishop, as he ought to have done, come forward and demanded an investigation of these rumors in justice to himself and the Church, and had the Convention appointed a respectable committee of investigation, making Mr. Halsted, the mover of the resolution, its chairman, we firmly believe, both the Bishop and the Diocese, would have been spared the

disgrace now resting upon them. In all probability, the committee would have absolved the Bishop from all intentional wrong, and would have attributed much, if not all his apparent misconduct, to his ignorance of the rules of secular business, and his sanguine temperament.

But the adherents of the Bishop have mistaken cunning for wisdom, and deemed it more prudent to trust to the virtue of whitewash, than to the power of truth. No less than eight successive coats of whitewash have been applied, but all in vain, they wont stick. In the seventh coat, we find a new and strange ingredient, "that virtue greater than all others, CHARITY:" we ask the patience of the reader while we explain the origin and composition of this mysterious ingredient.

In the *first* as well as in the last presentment, the Bishop is charged with having omitted in the schedule of his debts made under oath, various creditors. Among others, "It did not set forth the name of George Zantzinger, *wine merchant*, to whom he was indebted in the sum of twelve hundred dollars, or other large amount." The investigating committee most satisfactorily explain this omission, by asserting that *before* the schedule was made, Mr. Zantzinger had cancelled the Bishop's note and returned it to him, thus making a virtue of necessity. So far well, but how came the Bishop to incur such debt to a *wine merchant*? In the second presentment, the Bishop is charged with procuring much larger supplies of intoxicating drinks for the use of his table than was proper, and moreover, of *using* said liquors in such quantities, as to become "unduly excited thereby," and that at certain times and places specified, to have been "intoxicated." On what evidence all these charges were founded, is of course unknown. The only evidence given to the investigating committee was negative and exculpatory, and it is but just to say, that such as it is, it is wholly inconsistent with any thing like *habitual* intoxication. The testimony, however, is in some respects confirmatory of the charges in the presentment, and in no degree contradictory of them. Many intimate with the Bishop, never saw him "unduly excited;" he may have been so, however, without their being sensible of it, and he may have been so, when they were not present. The Bishop's physician, Dr. Joseph Parish, had never seen him unduly excited, but he makes the following strange and melancholy revelation. "I have *frequently* prescribed liquors as stimulants to the Bishop. I told the Bishop some time ago, I did not think he took *enough*, and my reason for thinking so, was that the excessive tax on him physically and mentally, *required more stimulant* than he was taking." Yet this man has the impudence to swear "I am a strict temperance man in principle and practice." God preserve the community from such Doctors, and from such temperance men. And now for "that greatest of all virtues, Charity," which the investigating committee unexpectedly discovered in the Bishop. Says Dr. Parish, "When I was first employed at the schools, I was told by Bishop Doane to consider his wines and liquors always under my command for the use of such persons at the schools, and for all needy persons in town and country. I have always acted under this permission, and have made *large* drafts upon it, as circumstances required."

Ann E. Kelly testified that she had got as much as *ten or twelve bottles of wine* for her sick son. The Rev. Mr. Germain swore, "He (the

Bishop) has been in the habit of entertaining a great deal of company since he lived in Burlington. His house and his table have been open to all visiting the schools, and to his many friends and acquaintance; scarcely a day but some persons besides his own family dined with him. I do not consider his table has been supplied with wines *and* spirituous liquors to a greater extent than his position *required*." We should like to know how much wine and brandy is required in New Jersey by the *position* of a Presbyter, and how much by that of a Deacon?

Alas, poor Bishop! with his convivial habits, with his table daily crowded with guests, with \$1,200 worth of liquors in his cellar, costing him nothing but his *note*, with a Doctor *frequently* urging him to drink, and rebuking him for not drinking enough, and a clerical friend at his elbow, who thinks large amounts of wine and brandy required by his *position*, was it for flesh and blood to resist the calls of duty to *stimulate* his mental and bodily powers, to drink and be hospitable? It would indeed have been wonderful, had he not at times "been unduly excited." The Bishop and his friends furnish, we think, abundant proof of the truth of *this* charge of the Presentment. This undue excitement furnishes a key to the strange indecorums of the Bishop on various occasions. It explains his queer appeal to the Bishops of the Church in all the world—his silly parade of *four* witnesses, twice to his signature in a printed pamphlet, where even one witness was an absurdity—his outrageous assaults upon the three presenting Bishops, and his foolish arrogance and royal assumptions in the *after dinner* session of the October Convention, when Mr. Parker was provoked to remark publicly, "any body that came in and saw the Bishop speaking, would have thought him excited by something very uncommon."

We have entire confidence in the statements made by the Bishop's temperance doctor, and his other friends, of his liberal, nay, lavish distribution of liquors to the sick of Burlington. We see in this distribution, not only his high appreciation of the medical virtues of these liquors, but his characteristic generosity in the application of other people's money. The apostle does indeed prefer charity to either faith or hope, but it was reserved for the New Jersey committee to discover that *greatest of all virtues* in the prodigal donation of unpaid-for wine.

The position in which Bishop Doane now stands is a painful one to himself, and a humiliating one to the Church, however much he and his party may bluster, and however arrogant and insulting they may deem it expedient to be to others. If he be the immaculate Bishop he is represented to be, he has, of course, nothing to apprehend from a fair trial, while such a trial would certainly overwhelm his accusers with shame and confusion. While such a trial is evaded, and by all sorts of trickery staved off, no amount of whitewashing will redeem his character, or render him an object of respect and confidence. In ignorance of the evidence possessed by the presenters, we are inclined to believe, from what has transpired, that a trial would result in the acquittal of the Bishop from the charge of *intentional fraud and falsehood*. The strongest presumption against such a result is the excessive anxiety evinced by himself and his friends to avoid a trial. But whatever might be the result of a trial as to these two points, the discipline and good

fame of the Church will not be vindicated, till Bishop Doane has been officially censured for his gross and most inexcusable violations of decency and decorum, nor until the decision of the Court of Bishops nullifying a canon of the Church, and robbing their own order of the power of presentment, shall be formally and solemnly reversed.

A PROTESTANT EPISCOPALIAN.

